GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegation against Sri D. Sudheer Babu, the then EE, PR Division, Kavali, SPSR Nellore District now retired as Joint Secretary to Govt. PR & RD (Progs) Department, AP Secretariat, Velagapudi – Failed to obtain the service register of Sri D. Ravi Kumar, the then AEE., from his previous station and causing continuing the service beyond the actual date of retirement - Disciplinary proceedings under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 read with Rule 9 of APRPR,1980 – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG.II) DEPARTMENT

G.O.RT.No. 394 **Dated: 15-07-2021.**

Read the following:

1. Final report from Director General, ACB., Vijayawada RC.No.144/RCT-NNL/2016, Dt:22-5-2019.
2. From Director General, ACB., Vijayawada RC.No.144/RCT-NNL/2016, Dt:24-6-2021.
3. G.O.Ms.No.51 PR&RD(Vig-II)Dept., Dt:15-07-2021.

-:0:-

ORDER:

In pursuance of the sanction accorded in the reference 3rd read above, under sub-clause (i) of clause (b) of sub-rule (2) of Rule 9 of AP Revised Pension Rules, 1980 for instituting departmental proceedings against causing continuing the service beyond the actual date of retirement in accordance with the procedure laid down in Rule 20 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charges (Annexure-I). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-II, III and IV).

3. Sri D. Sudheer Babu, the then EE, PR Division, Kavali, SPSR Nellore District now retired as Joint Secretary to Govt. PR & RD (Progs) Department, AP Secretariat, Velagapudi, is directed to submit within ten (10) days of the receipt of this order, a written statement of his defence.

4. Sri D. Sudheer Babu, the then EE, PR Division, Kavali, SPSR Nellore District now retired as Joint Secretary to Govt. PR & RD (Progs) Department, AP Secretariat, Velagapudi, is informed that an enquiry will be held only in respect of article of those charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri D. Sudheer Babu, the then EE, PR Division, Kavali, SPSR Nellore District now retired as Joint Secretary to Govt. PR & RD (Progs) Department, AP Secretariat, Velagapudi, is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders / directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

(Contd.P.2)

6. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri D. Sudheer Babu, the then EE, PR Division, Kavali, SPSR Nellore District now retired as Joint Secretary to Govt. PR & RD (Progs) Department, AP Secretariat, Velagapudi through the Engineer-in-Chief, Panchayat Raj, Vijayawada.
The Engineer-in-Chief, Panchayat Raj, Vijayawada
(in duplicate with a request to serve and return the dated acknowledgement copy).
Copy to:
The Director General, ACB, Vijayawada
(w.r.t. RC.No.144/RCT-NNL/2016,Dt:24-06-2021)
SF/SC

//FORWARDED :: BY ORDER//

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST SRI DARSI SUDHEER BABU S/O GEORGE, AGE 59 YEARS, EE, PR DIVISION, KAVALI, (Retired) SPSR NELLORE DISTRICT.

That Sri Darsi Sudheer Babu, S/o.George, Age 63 years, the then EE, PR Division, Kavali, SPSR Nellore District, joined in Government Service as Assistant Executive Engineer, PR Department on 13.5.1985 and promoted as DEE on 31.10.1994. Later he promoted as EE, PR on 13.4.2010. Later he posted to EE, PR Division, Kavali and worked from 1.9.2015 to 28.11.2016. While he was working as EE, PR Division, Kavali from 1.9.2015 to 28.11.2016 he committed gross misconduct in as much as:-

CHARGE:-

The Government Servant while working as EE, PR Division, Kavali from 1.9.2015 to 28.11.2016 failed to obtain the service register of Sri Durgam Ravi Kumar, AEE from his previous station.

Thus, Sri Darsi Sudheer Babu, S/o.George, Age 59 years, the then EE, PR Division, Kavali, SPSR Nellore District by his above mentioned acts has exhibited lack of integrity, devotion to duty and conduct unbecoming of a Government Servant and violated Rules 3(1)(2) of APCS (Conduct) Rules, 1964 r/w Rule 9 of A.P Revised (Pension) Rules,1980.

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ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST SRI DARSI SUDHEER BABU, S/O GEORGE,AGE 59 YEARS, THE THEN EE, PR DIVISION, KAVALI, SPSR NELLORE DISTRICT

That Sri Darsi Sudheer Babu, S/o George, Age 59 years, the then EE, PR Division, Kavali, SPSR Nellore District is a native of Tenali of Guntur District and joined in Government Service as Assistant Executive Engineer, PR Department on 13.5.1985 and promoted as DEE on 31.10.1994. Later he promoted as EE, PR on 13.4.2010. Later he posted to EE, PR Division, Kavali and worked from 1.9.2015 to 28.11.2016. He is drawing basic pay of Rs.84,970/- under the pay scale of Rs.49,870-100770. He retired from service on attaining his superannuation on 31-08-2020. Here-in-after he is referred as Government servant.

CHARGE:-

The Government Servant while working as EE, PR Division, Kavali from 01-09-2015 to 28-11-2016 failed to obtain the service register of Sri Durgam Ravi Kumar, AEE from his previous station.

Facts and Evidence :

Brief facts of the case are that the Government Servant was trapped on 28.11.2016 in his office when he demanded and accepted bribe of Rs.55,000/- from Sri Lekkala Pedda Mala Konda Reddy for recording measurements of CC road works in M.Book.

During the course of investigation the investigating officer obtained service particulars of the Government Servant and on perusal of service particulars, it was found that the Government Servant was born on 16.07.1955 and had to retire from service on 31.07.2013.

After obtaining the service particulars of Sri Durgam Ravi Kumar, AEE, it was found that the said AE drawn salaries in spite of his actual date of superannuation in collusion with the Department Employees. The charged officer is the DDO of Sri Durgam Ravi Kumar, AEE and he has to verify whether the office received service register or not and if found that it was not received he cannot draw the salary basing on the LPC and also absence of the employee particulars loaded in the format. The charged officer has a duty to draw the salary basing on the service register only and he cannot draw the salary basing on the LPC alone instead of it without getting the service register he allowed Sri Durgam Ravi Kumar, AEE to draw the salary and also given increments to him which is highly objectionable and therefore he has showed his slack supervision and there was no correspondence to show that he made some correspondence with regard to the higher officials for getting the service register of Sri Durgam Ravi Kumar, AEE.

The Government Servant, Sri Darsi Sudheer Babu, S/o.George, Age 59 years, the then EE, PR Division, Kavali, SPSR Nellore District by his above mentioned acts exhibited lack of integrity, devotion towards duty and conduct unbecoming of a Government Servant and thereby violated Rule 3 (1)(2) of APCS (Conduct) Rules, 1964 r/w Rule 9 of A.P Revised (Pension) Rules,1980.

Thus, the Government Servant thereby rendered himself liable for departmental action for major penalty.

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ANNEXURE-III

LIST OF WITNESSES

1. Sri LekkalaPeddaMalakonda Reddy, s/o Late. Konda Reddy, aged; 54yrs, Occ; Sarpanch, Bairavaram Panchayat, Duthalur Mandal, SPSR Nellore District.

He is the complainant who lodged the report against Sri Durgam Ravi Kumar, AEE, who demanded the bribe amount and set the criminal law into motion in this case and speaks about case facts, demand, acceptance and official favour.

2. Sri S.Raja Sekhar, Town Planning Officer, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the office of the EE, PR, Kavali on 27-12-2016 from 01-00 PM to 06-00 PM and drafted mediatornama.

3. Sri K.Venkata Koteswara Rao, Senior Assistant, O/o Commissioner, Kavali Municipality, Kavali, SPSR Nellore District.

He is one of the mediator in whose presence searches were conducted at the office of the EE.PR.Kavali on 27-12-2016 from 01- 00 PM to 06-00 PM and drafted mediatornama.

4. Sri D. Buggaiah (Retired on 28.2.2017), the then Superintending Engineer, PR Circle, Nellore (from 29.02.2016 to 28.02.2017).

He worked as S.E, PR Circle, Nellore from 29.02.2016 to 28.02.2017. He gave statement that Government Servant worked as AEE, PR, Duttalur in his

5. Sri S.Damodar Reddy, SE, PR Division, Nellore.

He speaks about his letter vide Lr.Rc.No.EC3/6531/2016, Dt.26.04.2017 who forwarded the information with regards to the particulars of the officers who failed to inform the retirement particulars of Sri Durgam Ravi Kumar, AEE regarding the year 2013.

6. Sri CVS Ramurthy, Engineer in chief, PR Division, Vijayawada.

He speaks about his letters vide No.1) Vig.III/062016/2016/ACB, Dated.6.12.2016 and 2) Vig.III/2016/2016/ACB, Dated.9.08.2017 who furnished information informing that Sri Durgam Ravi Kumar, AEE has to retire in the year 2013 and also issued suspension order of Sri Durgam Ravi Kumar, AEE after the trap.

7. SHO, Kavali II Town PS:

He speaks about registering of the Cr.No.133/2016 of Kavali II Town PS and transferring the case to Duthalur P.S.

8. SHO, Duthaluru PS:

He speaks about receiving of the FIR in Cr.No.133/2016 of Kavali II town Ps., and re-registering the same as Cr.No.2/2017 of Duthalur PS.

9. Sri T.Prabhakar, Deputy Supdt., of Police, ACB, Nellore Range, Nellore:

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

10. Sri N.SivaKumar Reddy, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

11. Sri T.V.Srinivasa Rao, Inspector of Police, ACB, Nellore Range, Nellore.

He is one of the investigating officer who speaks about the facts relating to Cr.No.13/RCT-ACB-NLR/2016.

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ANNEXURE-IV

LIST OF DOCUMENTS

1. Complaint dated 25-11-2016 given by the Complainant:

It reveals the facts of the demand of bribe amount Rs.55,000/- by Sri Durgam Ravi Kumar, AEE on 28.11.2016 for doing an official favour i.e., for recording the measurements of CC Road works in M-Book which is pending since two months.

2 FIR in Cr.No.13/RCT-ACB-NLR/2016, dated 28-11-2016:

It reveals that a report was received from the complainant with regard to demand of bribe amount and registration of the case against Sri Durgam Ravi Kumar, AEE.

3 Mediators report dated 27-12-2016 from 13-00 hours to 18-00 hours drafted at the office of the Executive Engineer, Panchayat Raj, Kavali town and Mandal, SPSR Nellore District.

4. Xerox copy of Service Book of Sri Durgam Ravi Kumar, AEE.

5. Letter of Executive Engineer, PRI Division, Kavali vide Rc.No.A2/ACB/08 (service particulars of Sri Durgam Ravi Kumar, AEE) dated 15-12-2016 .

6. Rc.No.,EC3/653/2016 dated 26-04-2017 of SE PR, Nellore: who furnished the list of S.O's concerned caused not retirement of Sri Durgam Ravi Kumar, AEE.

7. Copy of FIR in Cr.No.133/2016 u/s 420, 120-B IPC dated 30-12-2016 of Kavali II Town P.S, against Sri Durgam Ravi Kumar, AEE.

8. Copy of FIR in Cr.No. 2/2017 u/s 420, 120-B IPC dated 04-01-2017 of Duttalur P.S as FIR in Cr.No.133/2016 was transferred from Kavali II town PS to Duttalur P.S on point of Jurisdiction.

9. Proceedings No.Vig.III/062016/ 2016/ACB dated 06-12-2016 of Engineer-in-Chief, PR, Vijayawada- Suspension orders of Sri Durgam Ravi Kumar, AEE.

10. Proceedings No.Vig.III/2016/ 2016 dated 09-08-2017 of Engineer-in- Chief, PR, Vijayawada– Orders of the Engineer-in-Chief, PR, Vijayawada in respect of Sri Durgam Ravi Kumar, AEE has to be retired on 31-07-2013.

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